

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

MICHAEL RICHARD LYNCH,

Defendant.

Case No. [18-cr-00577-CRB-1](#)

ORDER ON VARIOUS MOTIONS

Defendants recently filed several motions in limine. The Court hereby issues rulings on the outstanding motions. A reasoned opinion will be forthcoming.

Lynch's motion to admit certain post-acquisition evidence during the cross-examination of Andrew Gersh is DENIED. See Mot. (dkt. 457). Specifically, Lynch is not permitted to introduce the following evidence: Exhibit 6463, Exhibit 2436, Exhibit 7582, Exhibit 8229, Exhibit 8234, Exhibit 5721, Exhibit 8231, and Exhibit 2451.

Defendants' motion to exclude the FRC Report is GRANTED. See Mot. (dkt. 454): Joinder (dkt. 463). The Government cannot admit the FRC Report or references to it on the direct examination of Steven Brice. However, the Government can introduce such evidence on redirect if the Defendants open the door by asking questions that directly bear on findings in the FRC Report. The Court notes that asking whether Deloitte reviewed the same transactions as Mr. Brice and came to different conclusions does not, in and of itself, open the door.

Defendants' motion to exclude expert testimony on mere "differences of opinion" is GRANTED as to § 2.9 of the Brice Report, and DENIED as to § 2.7, § 2.8, and § 2.10 of the Brice Report. See Mot. (dkt. 455); Joinder (dkt. 463); Brice Report (dkt. 297-2).

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Additionally, the Government has indicated that it will play three hours of Marc Geall’s video deposition. Having reviewed the deposition transcript, the Court orders that the parties further edit the transcript to be played for the jury to **one and a half hours**, with up to 45 minutes for each side.

IT IS SO ORDERED.

Dated: May 12, 2024



CHARLES R. BREYER
United States District Judge